

REMARKS

Claims 1-9 are pending in the present application. Claims 1-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Blum et al. (WO 98/48785); Lang et al. (US 6,541, 043) and Kuimagai et al. (WO 02/100393, EP 1 393 725 is its English equivalent). Applicant respectfully traverses this rejection, and requests reconsideration thereof in light of the following remarks. An allowance of all claims is solicited.

The Examiner cites the Blum et al reference as teaching a method of treatment of reward deficit syndromes (RDS) including attention deficit disorder (ADD) and attention deficit hyperactive disorder (ADHD), referencing, in particular, pages 34-35 and 43-44; and that the method comprises the administration of an effective dose of one or more of enkephalinase inhibitors, enkephalin releasers and amino acid precursors for the dopaminergic system, particularly listing 5-hydroxytryptophan, phenylalanine, glutamine, taurine and tyrosine as useful agents, referencing, in particular, pages 100-126.

The Examiner cites Lang et al. as teaching that 5-hydroxytryptophan and tyrosine are particularly useful for treatment of ADHD, especially in combination with other agents known to be useful for treatment of ADHD, referencing, in particular, the abstract and claims.

The Examiner cites Kumagai et al. as teaching that theanine is particularly useful for treatment of ADHD, referencing, in particular, the abstract and claims.

In light of the above references, the Examiner concludes that it would have been prima facie obvious to a person of ordinary skill in the art at the time the invention was made to use 5-hydroxytryptophan, theanine, tyrosine, phenylalanine, taurine and glutamine for treatment of ADHD.

Applicant respectfully traverses the Examiner's rejection for the following reasons. Applicant's invention relates to a method of treatment for persons having a pattern of high

neurotransmitter levels. Such persons often exhibit symptoms associated with ADD or ADHD. In accordance with Applicant's method, a strong inhibitory neurotransmitter system is built in a patient by administering inhibitory neurotransmitters and neurotransmitter modulators to the patient. In particular, applicant's method involves administering therapeutically effective amounts of 5-hydroxytryptophan, L-theanine, and one or more compound selected from the group consisting of tyrosine, N-acetyl-L-tyrosine, and phenyl alanine.

The Examiner has taken the position that applicant's treatment process is prima facie obvious because a person of ordinary skill in the art would have been motivated to use the claimed composition because the individual compounds are known to be useful for the treatment of ADHD. Applicant disagrees with the Examiner in this regard. The teachings of the references, taken as a whole, do not teach or suggest applicant's method or composition used in the method.

The Blum et al reference is a 651 page document with discloses a great deal of information, but completely fails to disclose applicant's method of treatment or composition used therein despite its great length. If anything, this reference teaches away from applicant's invention by teaching different compositions used in a different method. Furthermore, the deficiencies of the teachings of Blum et al. are not provided by the teachings of the Lang or Kumagai et al references since there is not suggestion in any of these references which would lead one skilled in the art to their combination.

The complex nature of the neurotransmitter system in patients is highlighted by the references cited by the Examiner. Applicant has discovered a novel, straightforward treatment system and composition which obtains successful results as illustrated by the examples in applicant's specification which represent unexpected benefits of the present invention. Therefore, applicant respectfully submits that the combination of the present invention is not taught or suggested by the prior art and is not prima facie obvious in light of the teachings of the art, but in any event would be unobvious over the teachings of the prior art in light of the benefits obtained thereby.

In conclusion, it is respectfully submitted that applicants invention is patentable over the prior art and an allowance in an early action is solicited. Should the Examiner have any questions it is requested that the Examiner call the undersigned attorney at 704-500-2661.

Respectfully Submitted by:

A handwritten signature in cursive script, reading "Ronald L. Hofer". The signature is written in dark ink and is positioned above the printed name and registration number.

Ronald L. Hofer

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